



City of Seattle

Gregory J. Nickels, Mayor

**Department of Planning and Development**

D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR  
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Project Number:** 3004482\*

**Applicant Name:** Neal Thompson, Roger H. Newell, AIA, Architect, for  
David Lau, Golden Crest LLC

**Address of Proposal:** 4532 42<sup>nd</sup> Avenue SW

**SUMMARY OF PROPOSED ACTION**

Land Use Application for a six story building, containing approximately 3,085 square feet of commercial space at ground level and 35 residential units above. Parking for 54 vehicles will be provided within the structure. Existing structures on site will be demolished.

The following approvals are required:

**Design Review** - Chapter 23.41 Seattle Municipal Code (SMC), involving design departures from the following Land Use code development standards:

**SEPA - Environmental Determination** - Chapter 25.05, Seattle Municipal Code (SMC)

\*Originally, MUP #2500307

**SEPA DETERMINATION:** ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS

☒ DNS with conditions

☐ DNS involving non-exempt grading, or demolition,  
or another agency with jurisdiction.

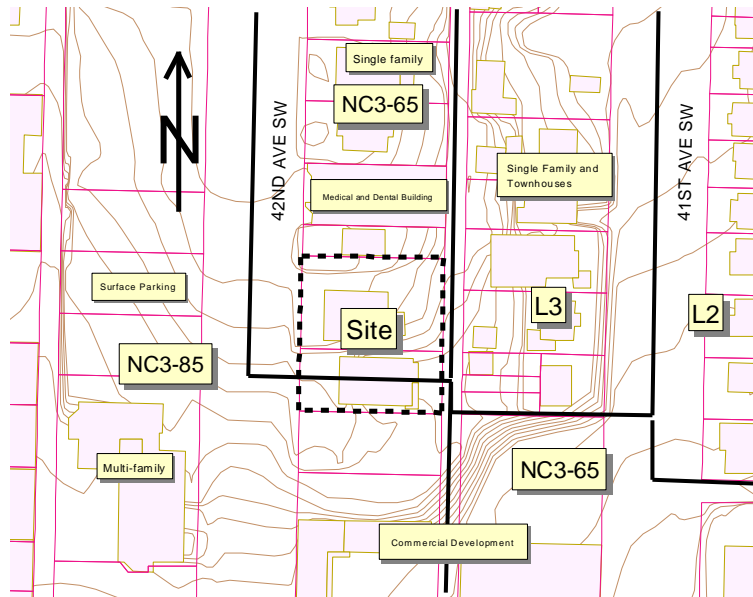
## **BACKGROUND INFORMATION:**

### **SITE & VICINITY**

The site is located on two mid-block parcels located on the east side of 42<sup>nd</sup> Ave SW, between SW Alaska St and SW Oregon St. The site is approximately 14,375 square feet in size and slopes slightly from the northwest to southeast.

The subject property is split zoned Neighborhood Commercial with two different height limits. The north portion of the site has a 65-foot height limit (NC3-65). The south portion of the site has an 85-foot height limit (NC3-85). The

NC3-65 zone continues to the north and picks up again to the southeast. The NC3-85 zone continues south, west, and northwest of the site. A Lowrise Multi-family 3 (L3) zone is located to the east across the alley from the site. An L2 zone is located further east.



The site is currently occupied by a vacant older three-story house and an occupied two story mid-century duplex. Adjacent development includes a small scale single family residence to the north, a medical dental building beyond that, and additional single family residences beyond that. Offices and commercial development are located south on SW Alaska St and one block west on California Ave SW. An eight story apartment building and a large surface parking lot are located to the west across 42<sup>nd</sup> Ave SW. To the east is a mix of newer townhouses and older single family development.

Architecture of adjacent buildings varies based on age and type of structure. Adjacent single family development reflects primarily wood, some vinyl or metal siding, and masonry. The large multi-family building across the street is painted concrete and cinderblock. The medical/dental building is a combination of wood siding and masonry. A commercial building on SW Alaska visible from the site is clad in mirrored glass and stucco. There is no one predominant style of development. Most single family houses and duplexes are two-story 1920's – 1940's style. Newer townhouses are three stories with a modern craftsman style finish. Commercial development reflects a large variety of styles, depending on age.

The area is pedestrian-oriented and located near the center of the West Seattle Junction area (SW Alaska St and California Ave SW). Sidewalks and street trees are located on all nearby street fronts. Parking is predominantly on-street, with the exception of the large surface parking lot across 42<sup>nd</sup> Ave SW from the subject property. Most garages are accessed from the alleys located between blocks.

## **DIRECTOR'S ANALYSIS—DESIGN REVIEW**

### **Early Design Guidance Meeting, January 8, 2008**

The Early Design Guidance Meeting, held on January 8, 2008, was attended by four members of the Design Review Board for Area 5 (Southwest Seattle).

## **PROJECT DESCRIPTION**

The proposal includes demolition of the existing buildings and the construction of one mixed-use building. The applicant has proposed to take vehicular access off the alley and 42<sup>nd</sup> Ave SW. Approximately 54 parking stalls would be located in an underground two-level parking structure. An approximately 2,500 square foot commercial area would occupy part of the street level frontage on 42<sup>nd</sup> Ave SW. 32 residential units would be located on the four stories above the podium level ground floor.

## **DESIGN PRESENTATION**

Four schemes and a zoning envelope scheme were presented at the Early Design Guidance meeting. All schemes proposed vehicular access at the north end of the 42<sup>nd</sup> Ave SW elevation (west elevation) and the south end of the east alley elevation. The residential pedestrian entry is proposed for the center of the 42<sup>nd</sup> Ave SW elevation. All schemes proposed residential units on a podium base that ranged from 10' to 22' high, depending on existing grade. The applicant noted that the proposed podium is set back 10 feet from the front property line at 42<sup>nd</sup> Ave SW in order to provide additional space at the street elevation.

The primary difference between the proposed alternatives was placement of the residential massing on the podium.

No design departures were requested with the EDG submittal, but the applicant noted that they may request some departures at the Master Use Permit (MUP) stage. (There were no subsequent requests for departures from development standards.)

The first scheme (Scheme 1) provided a visual example of the zoning envelope. This scheme showed the required setbacks adjacent to the residential zone to the east and the vehicular access easement to the south.

Scheme 2, the applicant-preferred option, proposed 32-35 residential units with 2,500 square feet of commercial space at the 42<sup>nd</sup> Ave SW street elevation. The placement of the residential massing was centered on the podium.

Scheme 3 proposed 40 residential units with 2500 square feet of commercial space at the 42<sup>nd</sup> Ave SW street elevation. The residential massing was placed in a modified "I" shape, with small courtyards at the north and south sides of the site, and setbacks at the west elevation.

Scheme 4 proposed 35 residential units with 2,500 square feet of commercial space at the 42<sup>nd</sup> Ave SW street elevation. The residential massing was placed in a modified “U” shape, with a larger courtyard at the west elevation.

Scheme 5 proposed 35 residential units with 2,500 square feet of commercial space at the 42<sup>nd</sup> Ave SW street elevation. The residential massing was placed predominantly to the east and south, with a courtyard eroding the residential massing at the northwest corner.

## **BOARD QUESTIONS AND COMMENTS**

The Board had the following questions and clarifying comments:

- How does the applicant propose to meet open space requirements?
  - The applicant noted that open space would be provided on the second floor podium level, balconies for each unit, and potentially a rooftop balcony
- What is the height of the podium level?
  - The height ranges from 10 feet at the north side to 22 feet at the southeast corner
- Why is the parking garage entrance on 42<sup>nd</sup> Ave SW necessary?
  - The entrance accesses a ramp that drops down into the lower levels of the parking garage; access at another point would mean a longer, steeper internal ramping system.
- How close is the medical/dental building on the north to the property line?
  - The building projections come out to the property line.
- The style and character of the façade treatment (materials, colors, etc.) should be in accordance with the Junction design guidelines.
  - The applicant showed a conceptual sketch of similar projects demonstrating how the façade would include vertical and horizontal elements for modulation, prominent commercial bays at the street level, potential trellises at the street level, and landscaping in front of the building.
- The adjacent development to the south (currently under permit review) will be adjacent to the property line at 42<sup>nd</sup> Ave SW.

## **PUBLIC COMMENT**

Four members of the public attended the Early Design Guidance meeting. The following comments were offered:

- Vehicular Access. The owner of the property adjacent to the north expressed concern about the placement of a curb cut on 42<sup>nd</sup> Ave SW.
- Setbacks. The property owner to the north also stated that the development should be set back at least 20 feet from the north property line in order to allow more light around the proposed project.
- Sidewalks. The property owner to the north noted that the area is heavily used by pedestrians and the sidewalk doesn't appear to be an adequate width.
- Vehicular access easement. Nearby residents expressed concern about the status of the proposed vehicular easement at the south edge of the subject property and how this project may impact use of the easement.

## **DESIGN GUIDELINE PRIORITIES**

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members provided the following siting and design guidance and identified by letter and number those siting and design guidelines found in the City of Seattle's Design Review: Guidelines for Multifamily and Commercial Buildings of highest priority to this project. The Guidelines are supplemented in this area by the West Seattle Junction Urban Village Design Guidelines.

“Hot Buttons” are items initially discussed by the Board and include items of top importance for the design. For this project, the Board determined the hot buttons were:

- Respect for adjacent sites. The adjacent developments to the north and south are vastly different. The development to the north is a small single family house set back on a narrow lot. The proposed development to the south is a larger mixed-use development with a street wall that meets the property line. The applicant should work to achieve a balance of the project with adjacent properties, including a street wall that meets the proposed development to the south and massing that respects the need for light and air to the north.
- Vehicular access and curb cuts. The proposed development includes a curb cut at 42<sup>nd</sup> Ave SW, although the design guidelines and West Seattle Junction design guidelines direct designers to provide pedestrian areas unbroken by curb cuts when possible. The subject property will be adjacent to both an alley and a vehicular access easement. The applicant should examine the proposed elevations and revise the parking garage to avoid a curb cut on 42<sup>nd</sup> Ave SW.

The applicant was informed that the next design iteration should address all priority guidelines and Board guidance listed below.

### **Site Planning**

**A-1** *Responding to Site Characteristics. The siting of buildings should respond to specific site conditions and opportunities such as non-rectangular lots, location on prominent intersections, unusual topography, significant vegetation and views or other natural features.*

**A-2** *Streetscape Compatibility. The siting of buildings should acknowledge and reinforce the existing desirable spatial characteristics of the right-of-way.*

*West Seattle Junction Guideline (augmenting A-2). A pedestrian-oriented streetscape is perhaps the most important characteristic to be achieved in new development in the Junction's mixed use areas (as previously defined). New development—particularly on SW Alaska, Genesee, Oregon and Edmunds Streets—will set the precedent in establishing desirable siting and design characteristics in the right-of-way.*

The street wall of the building should meet the property line on 42<sup>nd</sup> Ave SW in context with the development proposed to the south. The upper massing of the building should be moved to the south side of the podium to create an improved massing relationship with the property to the north.

The existing spatial characteristics of properties and right-of-way in this area reflect the potential for views to the west and east. Pushing the massing to the south side of the podium will reinforce those existing spatial characteristics.

**A-3** Entrances Visible from the Street. Entries should be clearly identifiable and visible from the street.

The proposed residential and retail entries at 42<sup>nd</sup> Ave SW should reflect attention to detail in the fenestration, doorways, and any other openings in the façade. The West Seattle Junction Guidelines discuss architectural context and provide good examples of streetscape façade on nearby California Ave SW and SW Alaska St. (See Junction guidelines for examples and a discussion of these examples: The applicant should work to incorporate these guidelines in the façade, especially at the street level elevation on 42<sup>nd</sup> Ave SW. 42<sup>nd</sup> Ave SW is currently underdeveloped, but is a commercially zoned street and will be likely experience increased development in the near future. This project has the opportunity to take contextual cues from the development to the south and Junction commercial storefronts, and set the tone for the new commercial character of 42<sup>nd</sup> Ave SW.

**A-4** Human Activity. New development should be sited and designed to encourage human activity on the street.

West Seattle Junction Guideline (augmenting A-4). An active and interesting sidewalk engages pedestrians through effective transitions between the public and private realm.

The applicant should provide street level perspective sketches demonstrating the pedestrian experience of this development in context with the proposed mixed-use development to the south.

**A-5** Respect for Adjacent Sites. Buildings should respect adjacent properties by being located on their sites to minimize disruption of the privacy and outdoor activities of residents in adjacent buildings.

The guidance for this section, it was noted, reflects the comments in A-1 and A-2.

**A-7** Residential Open Space. Residential projects should be sited to maximize opportunities for creating usable, attractive, well-integrated open space.

The applicant has noted that the requirements for open space would likely be met through a combination of the first story podium roof, decks for each unit, and potentially a roof deck. The first story podium level should have a positive impact on both the streetscape and the residents of the building. This area should function as usable, attractive open space that is integrated with the proposed development, the streetscape, and adjacent properties.

**A-8** Parking and Vehicle Access. Siting should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties, and pedestrian safety.

**A-9** Location of Parking on Commercial Street Fronts. Parking on a commercial street front should be minimized and where possible should be located behind a building.

The applicant should explore other options for providing vehicular access that don't include a curb cut on 42<sup>nd</sup> Ave SW. The elevation changes in the east alley and the south vehicular access easement provide opportunities to allow for adequate ramping to proposed parking.

A curb cut on 42<sup>nd</sup> Ave SW would be undesirable due to the presence of two other adjacent vehicular access routes (alley and easement), creation of a disruption of the pedestrian environment on 42<sup>nd</sup> Ave SW, and potential future conflict for adjacent properties. The applicant would need to provide compelling evidence that there are no options aside from a curb cut on 42<sup>nd</sup> Ave SW.

## **B. Height, Bulk and Scale**

- B-1** Height, Bulk, and Scale Compatibility. Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to near-by, less intensive zones. Projects on zone edges should be developed in a manner that creates a step in perceived height, bulk, and scale between anticipated development potential of the adjacent zones.

West Seattle Junction Guideline (augmenting B-1). Current zoning in the Junction has created abrupt edges in some areas between intensive, mixed-use development potential and less-intensive, multifamily development potential. In addition, the Code-complying building envelope of NC-65' (and higher) zoning designations permitted within the Commercial Core would result in development that exceeds the scale of existing commercial/mixed-use development. More refined transitions in height, bulk and scale—in terms of relationship to surrounding context and within the proposed structure itself—must be considered.

In addition to the guidance for sections A-1, A-2, A-3, and A-7, the development is located across the alley from a Lowrise zone, which includes newer townhouses and older single family development. The applicant should consider appropriate setbacks, modulation, and façade treatment at this building elevation when developing the design in order to create a desirable transition in height, bulk, and scale to the east.

## **C. Architectural Elements and Materials**

- C-1** Architectural Context. New buildings proposed for existing neighborhoods with a well-defined and desirable character should be compatible with or complement the architectural character and siting pattern of neighboring buildings.

West Seattle Junction Guideline (augmenting C-1). Façade articulation and architectural cues with good examples of storefronts in the Junction area (see West Seattle Junction Guidelines for pictorial examples).

- C-2** Architectural Concept and Consistency. Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept. Buildings should exhibit form and features identifying the functions within the building. In general, the roofline or top of the structure should be clearly distinguished from its facade walls.

West Seattle Junction Guideline (augmenting C-2). New multi-story developments are encouraged to consider methods to integrate a building's upper and lower levels...New mixed-use buildings are encouraged to build the commercial level, as well as one to two levels above, out to the front and side property lines to create a more substantial base. The use and repetition of architectural features and building materials, textures and colors can help create unity in a structure. (see West Seattle Junction Guidelines for full text).

In addition to the guidance comments found in A-3, the applicant should consider the overall façade design of the building in context with proposed nearby development, good examples of commercial storefronts in the Junction area, and the cohesive whole of the proposed development. The massing of the building should complement the proposed mixed-use development immediately to the south and existing lowrise structures to the east.

The podium level should be brought to the west property line, as discussed in A-1 and recommended in the Junction supplement to guideline C-2.

- C-3** Human Scale. The design of new buildings should incorporate architectural features, elements, and details to achieve a good human scale.

West Seattle Junction Guideline (augmenting C-2). Facades should contain elements that enhance pedestrian comfort and orientation while presenting features with visual interest that invite activity.

Due to the existing grade of the site, the alley, and the proposed grade of the vehicular access easement on the south side of the subject property, the proposed podium wall would range from 10 feet high at the north property line to 22 feet in height at the southeast corner. The applicant should meet required setbacks above 13' height at the east and south elevations. The applicant should also include good detailing and other façade treatments in order to avoid blank walls and create human scale at these elevations.

- C-5** Structured Parking Entrances. The presence and appearance of garage entrances should be minimized so that they do not dominate the street frontage of a building.

The guidance for this section reflects the comments in A-8 and A-9.



## **D. Pedestrian Environment**

- D-2** Blank Walls. Buildings should avoid large blank walls facing the street, especially near sidewalks. Where blank walls are unavoidable they should receive design treatment to increase pedestrian comfort and interest.
- D-3** Retaining Walls. Retaining walls near a public sidewalk that extend higher than eye level should be avoided where possible. Where higher retaining walls are unavoidable, they should be designed to reduce their impact on pedestrian comfort and to increase the visual interest along the streetscapes.

In addition to the comments in C-1, the applicant should provide details of the proposed modulation, fenestration, and façade treatment of the upper stories of the south and east façade and demonstrate conformance with this guideline.

- D-5** Visual Impacts of Parking Structures. The visibility of all at-grade parking structures or accessory parking garages should be minimized. The parking portion of a structure should be architecturally compatible with the rest of the structure and streetscape. Open parking spaces and carports should be screened from the street and adjacent properties.

West Seattle Junction Guideline (augmenting D-5). Parking structures should be designed and sited in a manner that enhances pedestrian access and circulation from the parking area to retail uses. The design of parking structures/areas adjacent to the public realm (sidewalks, alley) should improve the safety and appearance of parking uses in relation to the pedestrian environment.

The guidance for this section reflects the comments in C-3.

## **E. Landscaping**

- E-1** Landscaping to Reinforce Design Continuity with Adjacent Sites. Where possible, and where there is not another overriding concern, landscaping should reinforce the character of neighboring properties and abutting streetscape.
- E-2** Landscaping to Enhance the Building and/or Site. Landscaping, including living plant material, special pavements, trellises, screen walls, planters, site furniture, and similar features should be appropriately incorporated into the design to enhance the project.

The guidance for these sections reflects the comments regarding the podium level in A-7.

- E-3** Landscape Design to Address Special Site Conditions. The landscape design should take advantage of special on-site conditions such as high-bank front yards, steep slopes, view corridors, or existing significant trees and off-site conditions such as greenbelts, ravines, natural areas, and boulevards.

The Board noted that there was a 72" maple on the site. The applicant should provide an arborist report to DPD at the MUP stage or earlier to determine the "exceptional tree" status of this tree.

## **DEVELOPMENT STANDARD DEPARTURES**

The applicant did not request any development standard departures at the time of the Early Design Guidance meeting.

The applicant was requested to provide the following for the Recommendation Meeting:

1. Landscape plans for the podium level of the building and demonstrate how the area will function as usable residential open space and provide a transition to adjacent properties.
2. An arborist report describing the 72" maple currently on the north side of the site.
3. Detailed elevations and sketches of the pedestrian experience at the street level.
4. Plans, elevations, and details indicating the proposed modulation and façade treatments of all sides of the building.
5. Axonometric drawings and north-south and east-west section drawings that include the adjacent structures to the north, south, east, and west. Clearly demonstrate how the design creates a good transition in height, bulk, and scale to the L3 zone to the east and to the NC3 zones to the north and south.
6. A colors and materials board.

## **DESIGN REVIEW BOARD PRELIMINARY RECOMMENDATION MEETING, JUNE 12, 2008**

On April 12<sup>th</sup>, 2007, the applicant submitted for a Master Use Permit. On June 12<sup>th</sup>, 2008, the Southwest Design Review Board convened for a Recommendation meeting. Additional graphics and display boards presented for the Board members' consideration included a three dimensional graphic and a colors and materials board. The Board recommended that the applicant address the following design issues and return for a second Recommendation meeting.

- Minimize the front (west) setback and push building mass to the west.
- Bring commercial street frontage to the west property line and provide continuous overhead weather protection.
- Minimize garage entries at the east façade; consider moving one entry to the south façade.
- Provide information about acoustics of metal siding.
- Respond to new context immediately to the south.
- Storefronts should appear taller and be adjacent to the sidewalk.
- Each storefront and the residential entry require an individual entry directly accessing the sidewalk.
- Provide pedestrian street level sketches.
- Visually integrate the podium and upper levels of the building.
- Wood grain hardi plank is not appropriate to the scale of this building.
- Use planting to reduce the scale and blank walls at the north, east, and south facades.
- Use planting in the landscape strip to enhance the streetscape.

The Board's recommendations from the June 12, 2008 meeting

The Board noted that the applicant had responded somewhat to the guidance from EDG by pushing the upper building mass to the southwest area of the podium. The Board noted that there was a large setback proposed for the west façade, which doesn't reflect the new street wall that will be created by the mixed-use development to the south. The proposed retail would be located approximately 16' from the back of the sidewalk and located under an arcade and behind a planter, further separating it from sidewalk activity. The setback also meant that the structure was closer to the townhouses across the alley than was necessary, a condition which might create additional shadows on those structures.

The applicant was asked to modify the design to push the entire building mass as close to the west property line as possible. The street level retail spaces should be as close to the sidewalk as possible and not divided from the sidewalk by planters. The retail and building entry should include continuous overhead weather protection which may extend into the public right-of-way. The proposed garage entries and trash/services area at the alley should also be designed to minimize impacts to the townhouse residents to the east. The trash area should be reconfigured so the doors open to the south. The applicant should examine the potential for locating one of the garage entries at the south façade instead of both facing the townhouses to the east.

The proposed metal siding was of some concern regarding noise impacts to adjacent residential development. The Board requested that the applicant provide information about acoustics and noise transmission of rain on metal siding.

**DESIGN REVIEW BOARD RECOMMENDATION MEETING, APRIL 9<sup>TH</sup>, 2009.**

On April 2<sup>nd</sup> 2009, the applicant submitted a revised design recommendation packet. The applicant's design responses since the Design Recommendation meeting on June 12<sup>th</sup>, 2008 included the following:

- The proposed massing and storefronts was 'pushed' to the west property line.
- The lower sills of the storefronts were reduced in height, and the canopies were raised to increase the visual height of the commercial spaces.
- Each proposed entry has doors directly accessing the sidewalk area.
- Proposed sidewalk plan #1 on page 8 of the packet responded to the adjacent development to the south.
- Pedestrian level sketches were provided in packet.
- Upper level hardi plank was changed to smooth texture.

**DESIGN PRESENTATION**

Roger Newell of Roger H. Newell Architects gave the applicant presentation. Roger described the proposed modifications as a result of the June 12, 2008 design recommendation meeting.

Mr. Newell noted that the three possible street level development options shown on pages 7, 8, and 9 included the following points:

- All three options allow room for a recessed door swing.
- Office space A (the north tenant space) includes a step down to the office floor from the exterior walkway to accommodate the 13' height requirement.
- Options shown on pages 7 and 9 include continuous overhead weather protection.

Two possible parking solutions were proposed for the two garage entries. In the first parking solution, one access point would be from the east alley and one would be from the south alley. In the second parking solution, both access points would be from the east alley. Mr. Newell noted that the second option is the applicant preferred option due to potential traffic conflicts with the garage entry for the project to the south.

The noise potential for rain on metal siding was examined, and the applicant found little data available. Mr. Newell noted that metal roofing has rain noise only 6 decibels higher than shingle roofing.

In response to the visual height of the commercial spaces at grade, the design was modified to include increased window height (lower sills, higher headers) at the street level. A separate canopy above the residential entry helps to distinguish from the commercial entries.

Upper level material concerns would be addressed by smooth hardi plank instead of wood grain. Protruding roof elements have been reduced to minimize shading on the properties to the east (reduced roof overhang by 1' and reduced overall height by 2.5').

## **BOARD QUESTIONS AND COMMENTS**

The Board had the following questions and clarifying comments, with responses from the applicant:

- The elevation drawings appear to show a ridged roof; please explain.
  - The roof would have a low slope of 3/8" per 1' with a curbed edge and drains in the edge of the roof. It would appear flat from the street and adjacent properties.
- Where is the street level façade in relation to the property line?
  - The columns are at the property line, with the storefront 2' from the property line and the entry doors 3' back from the property line.
- Where has the glazing been increased at the storefronts?
  - The awnings were raised and the window head heights brought up to 11' height, and the sills were lowered.
- Has the building been reduced to below maximum zone height?
  - DPD clarified the applicability of clerestories, which resulted in a reduction of overall proposed building height for this proposal. The building is proposed for the maximum zoned height at the southeast corner. The other areas are under maximum height, due to the grade changes across the site.
- Regarding the proposed sidewalk designs – does the building to the south have the same landscaping and sidewalk design as the option shown on page 7?
  - Yes, it is the same as shown on page 7.

- How does the proposal respond to the parking access recommendations from the first recommendation meeting?
  - *There are townhouses to the east that face the alley, so placing one of the two garage entries to the south would reduce impacts to those residents.*
  - *However, the project to the south includes loading and parking access at the south alley, so placing one of the entries there could cause traffic conflicts.*
- How does the proposed development fit with the architectural character noted in the West Seattle Junction Urban Village Design Guidelines?
  - The applicant noted that there doesn't appear to be a clear architectural trend of materials or forms in this particular area, which is one block east of the primary buildings noted in the guidelines.
- What type of landscaping is proposed on the north side, adjacent to the single family?
  - Several large evergreen trees with some deciduous trees, ground cover and small shrubs are proposed.
- It appears the building base materials would be EFIS over concrete.
  - The proposed building base would be stucco or plaster over concrete, with reveals, because it seemed that bare concrete was not a building base that fit with the context of the nearby buildings.

## **PUBLIC COMMENT**

Three members of the public attended the Design Recommendation meeting, two of whom signed the Sign-In Sheet. The following comments were offered:

- The townhouses to the east are oriented to face the alley as a 'front yard' and therefore the option to place one of the garage entries and the trash/loading at the south face would be preferable to reduce noise and headlight impacts to the townhouse residents.
- The north-south oriented alley is narrow and placing both garage entries at that alley would increase traffic conflicts along the length of the alley and at the intersection with SW Oregon St. An entry at the south façade would encourage cars to use the east-west oriented alley to access 42<sup>nd</sup> Ave SW instead, which has traffic lights at the north and south ends of the block.
- The east façade of the building needs to step down to reduce shadow and visual impacts to the lower zone to the east.
- The east retaining wall should include vegetation, to reduce the appearance of bulk and scale on neighbors to the east.
- The plantings on 42<sup>nd</sup> Ave SW need to be low, in order to reduce sight line conflicts at the alley entrance.
- The plantings on 42<sup>nd</sup> Ave SW outside of sight lines should include above grade planters with seating walls.
- A wide sidewalk at 42<sup>nd</sup> Ave SW is better for the streetscape.
- The option shown on page 22 (lower roof, 3' west, no overhang) is the best option to minimize shadows on adjacent properties.
- Appreciation for the proposed modifications to move the building closer to the west property line.
- The proposed design should better integrate the upper and lower portions of the building.

- The proposed and/or approved developments to the south (3007035) and north (3007547) include proposed sidewalk and landscaping designs. This proposed development should include sidewalk design that is consistent with those developments.
- Office space A should not require visitors to step down into an entry. The entry should be level with the sidewalk, and at least half the floor should be above grade, rather than depressing it to meet 13' height requirements.

At the conclusion of their deliberations the Board recommended that the applicant return for a third Recommendation meeting.

### **FINAL DESIGN REVIEW RECOMMENDATION MEETING, JULY 23, 2009**

Neal Thompson of Roger Newell of Roger H. Newell Architects made the presentation, highlighting the proposed modifications that resulted from the April 9, 2009 recommendation meeting. He addressed each of the above listed issues from the previous recommendation meeting and noted changes in the design that would locate a garage entry and access to trash services off the alley along the south façade. The commercial spaces were marked with discrete overhead awnings as was the residential entry, only with the residential entry overhead awning set higher than the other two. The window openings into the commercial spaces had been extended vertically both at the top and by lowering the level of the bottom sill. There were fewer columns at the base and six of the remaining columns were now aligned with the edges of bays that begin at the third level of the east façade. The first two stories were clad in brick which extended a substantial distance along both the north and south facades. The brick facing extended up to the fourth level between the bays on the west face of the building in response to the Board's earlier request to provide a more pronounced integration of the base and the upper portions of the structure.

Mr. Thompson explained that, although he had worked at the challenge, the north tenant space still included a step down to the office floor from the exterior walkway to accommodate the 13' height requirement. He noted that the overall height of the residential floors earlier had been reduced in order to respond to the Board's directive to reduce the bulk of the structure along the northern edge of the structure and that there was no more give if the floor of the commercial space were to be raised to meet the grade of the sidewalk and still allow for sufficient interior height to the commercial space.

Samples of materials intended for use were shown to the Board. These included metal and hardi plank siding for the residential portion of the structure and brick and "prairie stone" cladding that would be utilized on the two-story base and the portions of the west façade extending up two further stories between the extruded bays.

### **PUBLIC COMMENT**

Following a brief period when the Board directed clarifying questions to the applicant, the Board solicited comments from the public in attendance. Nine members of the public signed the Sign-In Sheet provided for the meeting and five directed comments to the Board. The following comments were offered:

- The non-uniform depths of the balconies shown in earlier versions of the west façade made for a more-playful expression and the design would benefit from their return;
- The entire structure is “massive, just massive”...”does it have to be that massive?” It provides no transition to other residential structures within the neighborhood.
- The sidewalk along 42<sup>nd</sup> Avenue SW needs to be wider.
- Commercial space should not require visitors to step down into an entry. The entry should be level with the sidewalk and is still an issue.
- Appreciate trash and vehicle entries moved to south side.
- Make the rooftop mechanical stuff gray so as to be less visible from other properties in the vicinity.
- It is vital that an irrigation plan be included in the landscaping plan.

## **DEPARTURES**

No departures were requested by the applicant.

## **BOARD DELIBERATIONS**

In general, the Board responded favorably to those changes that had been made since the last recommendation meeting, especially: providing the entries from the alley along the ground-level south façade; the greater integration of the lower and upper stories by moving and reducing the number of columns and aligning these with the upper bays; the integration of the lower and upper portions of the structure on the west façade by extending the brick facing up to the fourth level between the bays; the changes to the awnings on the west façade which more clearly differentiated the commercial storefronts and distinguished the residential entry.

There was some discussion regarding the issue raised during the public comment period about a loss in playfulness within the appearance of the west façade now that the balconies were showing a uniform depth. It was noted that changes in the columns and alignment with the protruding upper bays had introduced a new sense of verticality in the overall composition and a simplicity of impression that was in itself compelling and a bit at odds with the earlier playfulness. The Board’s final estimation was that the evenness of the balconies was the articulation that best fit within the overall design.

Another point of discussion was the alignment of the northern-most commercial space with the sidewalk. The Board concluded that stepping down to the floor level within the entry was an acceptable, common urban solution to a challenging problem. The Board suggested that the disjunction in vertical planes might even provide an opportunity for creativity for the occupier of the space.

The Board members recommendations summarized below were based on the information shown and discussed at the July 23, 2009 meeting. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities, and reviewing the plans and renderings, the Design Review Board members recommended approval of the design with the following recommended minor changes.

- An irrigation plan should be integrated within the landscape plan,
- The sidewalk along 42<sup>nd</sup> Avenue SW should be widened to 8 feet by extending it along the building side 2 feet into the proposed landscaping along the building's front.
- The proposed design should be modified by raising the level of the "prairie stone" cladding at the base of the columns and enlivening the brick work at the top of the commercial windows by means of a soldier course or corbel or some other attractive and distinctive treatment.

### **DIRECTOR'S ANALYSIS - DESIGN REVIEW**

The Director finds no conflicts with SEPA requirements nor with state or federal laws, and has reviewed both the *Design Review: Guidelines for Multifamily & Commercial Buildings* and *West Seattle Junction Urban Village Design Guidelines* and finds that the Board neither exceeded its authority nor applied the guidelines inconsistently in recommending the approval of this design. On September 17, 2009, the applicant submitted corrections to the MUP plan sets that incorporated responses to the changes recommended by the Board at the July 23, 2009 Design Review Recommendation meeting. These included an irrigation component as part of the landscape plan, a widened sidewalk along the entire 42<sup>nd</sup> Avenue SW façade, extending the height of the Prairie Stone bases of the columnar design elements along the 42<sup>nd</sup> Avenue SW façade, and the insertion of Prairie Stone headers above the windows of the commercial storefronts on 42<sup>nd</sup> Avenue SW, as well as providing these Prairie Stone headers along both the north and south ground-level facades to be consistently co-extensive with the areas of brick façade. The Director finds that these changes when implemented will adequately address the concerns and meet the recommendations of the Design Review Board as expressed at the July 23, 2009, Board meeting.

### **DECISION - DESIGN REVIEW**

The proposed **design is approved** as presented at the July 23, 2009 Design Review Board meeting, with such changes that were approved and incorporated into the MUP plan sets on September 17, 2009, and subject any conditions enumerated below.

### **ANALYSIS – SEPA**

This analysis relies on the *Environmental (SEPA) Checklist* submitted by the applicant and dated August 22, 2008 which discloses the potential impacts from this project. The information in the checklist, supplemental information provided by the applicant, project plans, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The Seattle SEPA ordinance provides substantive authority to require mitigation of adverse impacts resulting from a project (SMC 25.05.655 and 25.05.660). Mitigation, when required, must be related to specific adverse environmental impacts identified in an environmental document and may be imposed only to the extent that an impact is attributable to the proposal. Additionally, mitigation may be required only when based on policies, plans, and regulations as enunciated in SMC 25.05.665 to SMC 25.05.675, inclusive, (SEPA Overview Policy, SEPA



Cumulative Impacts Policy, and SEPA Specific Environmental Policies). In some instances, local, state, or federal requirements will provide sufficient mitigation of a significant impact and the decision maker is required to consider the applicable requirement(s) and their effect on the impacts of the proposal.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states in part: *“where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation,”* subject to some limitations. Under specific circumstances (SMC 25.05.665 D 1-7) mitigation can be required.

### Short-term Impacts

Construction activities could result in the following adverse impacts: construction dust and storm water runoff, erosion, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic, and a small increase in traffic and parking impacts due to construction related vehicles. Several construction-related impacts are mitigated by existing City codes and ordinances applicable to the project such as the Noise Ordinance, the Stormwater Grading and Drainage Control Code, the Street Use Ordinance, and the Building Code. Additionally, due to the temporary nature and limited scope of these impacts, they are not considered significant per SMC 25.05.794. The following is an analysis of construction-related air quality, noise, drainage, earth, grading, traffic and parking impacts as well as mitigation.

### Air Quality

The existing on-site building will be demolished. Prior to demolition activities, the contractor will provide to Puget Sound Clean Air Agency pre-survey documentation of buildings for possible presence of asbestos and lead paint. Notice to the Puget Sound Clean Air Agency is required prior to demolition of any structures greater than 100 square feet in coverage. OSHA requirements shall be followed to determine any special handling or disposal requirements for demolition debris. If asbestos is present in the existing building, Puget Sound Clean Air Agency, Department of Labor and Industry, and EPA regulations will provide for the safe removal and disposal of asbestos encountered during building demolition.

Construction activities, including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant. Other than assurance that the required notice to the Puget Sound Clean Air Agency has been provided, no SEPA conditioning of air quality impacts is necessary.

### Construction Impacts/Noise

The project may generate some loud noises during demolition, grading, and construction. The noise-level limitations imposed by the Noise Ordinance, Chapter 25.08 SMC, are generally considered adequate to mitigate the potential noise impacts of the proposal. Additionally, DPD will require a Construction/Noise Impact Mitigation Plan that will anticipate and address any evening, nighttime or weekend noise-generating construction activities. This Construction/Noise Impact Mitigation Plan must be approved by DPD prior to any demolition, shoring, or construction permits being issued.

### Pedestrian Circulation

There is a public sidewalk located on 42<sup>nd</sup> Avenue SW abutting the development site and currently providing a predictable pedestrian pathway for pedestrians travelling north and south along this corridor. Along Western Avenue there are no signalized crossings in the immediate vicinity of the project, nor marked pedestrian crossways between Denny Way to the north and Broad Street to the south, a distance of approximately a quarter of a mile. It is appropriate, therefore, to use SEPA policy authority to require that a safe and predictable path of pedestrian travel be established and maintained along the project site. Under SMC 25.05.675 B (Specific Environmental Policies, Construction Impacts) “mitigating measures to address adverse impacts relating to pedestrian circulation during construction may include, but are not limited to...covered sidewalks or alternate safe, convenient and adequate pedestrian routes and...limits to the duration of disruptions to pedestrian flow.” It is desirable that the sidewalk abutting the project site along 42<sup>nd</sup> Avenue SW be kept open and safely passable throughout the construction period. Any case for the need for the temporary closure of the sidewalk needs to be disclosed and have DPD approval as well as SDOT approval. This condition is enumerated below.

### Earth//Grading

An excavation to construct the below grade parking for the proposal will be necessary and it is estimated that 585 cubic yards of soil incidental to construction will be removed from the development site. Compliance with the Stormwater, Grading, and Drainage Control Code (SMC 22.800) will require the proponent to identify a legal disposal site for excavation and demolition debris prior to commencement of demolition/construction.

Compliance with the Uniform Building Code and the Stormwater, Grading, and Drainage Control Code will also require that Best Management Practices (BMPs) be employed during demolition/excavation/construction including that the soils be contained on-site and that the excavation slopes be suitably shored and retained in order to mitigate potential water runoff and erosion impacts during excavation and general site work.

### Construction-Related Traffic and Parking

Under SMC 25.05.675.B.2, DPD has authority under SEPA to impose conditions to mitigate parking impacts related to the project. During construction, parking demand will increase due to construction personnel and equipment. Off-site parking during construction hours in the general vicinity of the project may be limited. To minimize on-street parking in the vicinity due to construction impacts, construction workers will be required to park in the on-site garage when it becomes available.

### Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased surface water runoff from greater site coverage by impervious surfaces, potentially decreased water quality in surrounding watersheds, increased on-site bulk and scale, increased ambient noise due to increased human activity, increased demand on public services and utilities, increased light and glare, increased energy consumption, increased on-street parking demand, and increased vehicle traffic. These long-term impacts are not considered significant. Notwithstanding the Determination of Non-Significance, the following impacts merit more detailed discussion.

### Environmental Health

Operational trips, primarily vehicular trips associated with the project and the project's energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions that adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant. The location of this project within an Urban Village, near to public transit and high-density housing, should enable transit use and shorter commuting times, potentially resulting in fewer vehicle miles traveled than residential project in other locations.

### Height, Bulk and Scale

The proposed structure has been designed in accordance with the development standards for the NC3-65 zone as outlined in Title 23, the Seattle Municipal Code. Although per SMC 23.41.012 departures from Land Use Code standards and requirements may be granted as part of the design review process, no departures were requested by the project applicant and none granted. As noted in SMC 25.05.675, "the City-wide design guidelines (and any Council approved, neighborhood design guidelines) are intended to mitigate the same adverse height, bulk and scale impacts addressed in...[SEPA] policies. A project that is approved pursuant to the design review process is presumed to comply with these heights, bulk and scale policies." No further conditioning of impacts through SEPA authority is warranted.

### Traffic

Approximately 231 daily trips (6.6/unit) and 24 PM peak trips, between 4:00 and 5:00 PM, are anticipated to be generated by the completed project. The proposed project traffic is expected to increase average delays at nearby intersections. However, the increases in average delays at nearby intersections would fall within the range of day-to-day fluctuations. Thus the delay time, being negligible, all study intersections would continue to generally operate at their current levels of service. The Concurrency analysis indicates adequate capacity exists to serve the increase in travel demand resulting for the proposed project, and meets the City's concurrency standards. Specific off-site mitigation measures are not recommended, nor required, to reduce/offset the potential site-generated traffic impacts. The site is well-served by public transit King County Metro bus routes serve stops within a two to three block vicinity of the project site.

### Parking

Vehicular access to the proposed building would be from the alley. Access to parking would be both from the north-south and east-west portions of the dog-legged alley, connecting to 42<sup>nd</sup> Avenue SW and SW Oregon Street. City's zoning regulations for the NC3 Zoning require s 35 parking spaces for the residential portion of the structure. There is no requirement for the commercial portions of the structure. The proposed building includes a total of 54 parking spaces, some provided as a tenancy amenity. Based on the location of existing parking garages and surface parking lots located within walking distance of the project site, it is anticipated that any spillover demand could be accommodated by the available off-site parking supply. No further mitigation is necessary.

### Housing

The City's SEPA policies encourage preservation of housing opportunities, especially low income housing. The proposed project would demolish two single-family structures, displacing approximately 4 persons. A total of 35 residential units are proposed. Utilities and transportation infrastructure are adequate to serve the project without adverse impacts. Housing opportunities within urban villages and along bus and bicycle ways minimize impacts to the regional transportation system. There would be no long term significant impacts to housing. Therefore, no mitigation measures for such impacts are warranted.

### Public Services and Utilities

The increase in development on the site, type of development (mixed commercial and residential), and the introduction of a residential population are expected to result in an increased demand for public services. There are no existing deficiencies in needed services or utilities to the site. The project would comply with applicable codes and requirements of the Seattle Fire Department for fire protection and fire suppression, to be reviewed at the time of Building Permit application.

All utilities required to serve the proposed mixed-used residential/commercial development are located within the adjacent street frontage. Only side service connections should be required for each utility service. Overall, the impacts to public services and utilities are not considered significant and no mitigation is warranted.

### Existing and Projected Land Use

The proposed mixed commercial/residential project is compatible with surrounding uses and is located in an area of mixed commercial and residential uses. The development site is zoned NC3-65, with less than 20 percent of the site at the south end zoned NC3-85. The development proposal is consistent with the existing zoning of the property. A commercial use as well as residential use is permitted outright in the NC3-65 and NC3-85 zones. The proposal complies with development standards applicable to development within the NC3-65 and NC3-85 zones.

It is the City's SEPA policy to ensure that proposed uses in development projects are reasonably compatible with surrounding uses and are consistent with any applicable, adopted City land use regulations and certain other policies identified in the City's SEPA ordinance. The subject proposal is compatible with surrounding uses, zoning, and City policies. No mitigation resulting from land use impacts is warranted.

### Summary

In conclusion, certain adverse impacts on the environment are anticipated to result from the proposal. The conditions imposed below are intended to mitigate specific impacts identified in the foregoing analysis, or to control impacts not regulated by codes or ordinances per adopted City policies.

### **DECISION - SEPA**

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).
- [ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

### **CONDITIONS - SEPA**

The owner(s) and/or responsible parties shall:

#### Prior to Issuance of Demolition, Grading, or Building Permits

1. Submit to DPD evidence of having submitted a Notice of Intent of Demolition to the Puget Sound Clean Air Agency.

#### During Construction

2. The sidewalk adjacent the project site and running along 42<sup>nd</sup> Avenue SW shall be kept open and made safely passable throughout the construction period. Should a determination be made by the Seattle Department of Transportation (SDOT) that closure of this sidewalk is temporarily permissible because necessary for demolition, shoring, structural modification or other purposes, DPD shall be notified by the developer or general contractor at least three days prior to the planned temporary closure and a plan shall be presented and approved by DPD prior to the closure. The temporary closure plan shall present alternative mitigation that is sufficient to mitigate the impacts this condition is intended to address.

3. Construction worker parking shall utilize the on-site parking garage within the new structure when it becomes available.

## CONDITIONS-DESIGN REVIEW

### Prior to Issuance of any Certificate of Occupancy

4. Construct a building with siting, construction materials, and architectural details, and install landscaping, both hardscape and planting materials, substantially the same as presented at the July 23, 2009 Design Review Board meeting and as contained in the approved MUP plan set as modified on September 17, 2009.

### For the Life of the Project

5. The property owner(s) shall be responsible for proper landscape installation and maintenance according to approved landscape plans, including but not limited to replacement of dead or dying plants.

Signature: (signature on file)  
Michael Dorcy, Senior Land Use Planner  
Department of Planning and Development

Date: November 30, 2009